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MEMORANDUM ENDORSEMENT

Westfair LLC v. Pupovic

24-cv-05879-NSR

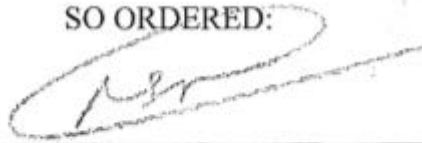
The Court is in receipt of Defendants' letter dated December 18, 2024, requesting a pre-motion conference seeking leave to file a motion to vacate default (ECF No. 21) (attached hereto).

The Court waives the pre-motion conference and sets the following briefing schedule: Defendants' moving papers are to be served (not filed) on March 21, 2025; the Plaintiff's opposing papers are to be served (not filed) on or before April 21, 2025; Defendants are to serve their reply on May 6, 2025. All motion papers are to be filed on the reply date, May 6, 2025.

The parties are further directed to provide an electronic copy of all motion papers by email to chambers as they are served as well as two hard copies of all motion papers as they are served.

Dated: February 21, 2025
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

Reisman Rubeo, LLP
-Attorneys & Counselors at Law-

Mark I. Reisman
Mark A. Rubeo, Jr.*

151 Broadway
Hawthorne, New York 10532

Of Counsel:
Sharman T. Propp

*admitted in NY, CT & DC

(914) 495-3050
(914) 495-3051 facsimile

December 18, 2024

Via Facsimile Only – (914) 390-4179

Hon. Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Westfair LLC v. Pupovic
Index #24-cv-05879-NSR

Dear Judge Roman:

My office represents the Defendants, Karen and Ismet Pupovic, in the above-referenced matter. I am writing the Court about the undated letter recently filed by the Manager of the Plaintiff with the Court.

As an initial matter, the Plaintiff's letter was never sent to my office via facsimile or any other means. The first time we learned that the letter had been filed was when the Court uploaded it to the ECF/Pacer system during the afternoon of December 16, 2024.

It is not clear whether the Court is considering the Plaintiff's letter despite the fact that the manager of the Plaintiff -- and not its attorney -- filed it. If the Court does consider the letter, the Defendants join in and respectfully request that the Court grant Plaintiff's request to vacate the default entered against the Defendants.

The Defendants also renew their request for a pre-motion conference and/or for leave to make the motions outlined in my November 15, 2024 letter. Defendants' request to make these motions is done in good faith and is based upon my firm's review of the court files in the prior litigations between the parties and public records, all of which will be borne out in the Defendants' motions. In sharp contrast, the Plaintiff has failed to provide any explanation as to why it would be prejudiced by vacating the default (if it does not consent to do so), or why its complaint should not be dismissed based upon its ability to seek relief in another venue and/or its lack of standing in this action.

Hon. Nelson S. Roman
December 18, 2024
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We would appreciate further guidance from the Court as to the next steps in this action. Thank you for considering this request.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

MARK A. RUBEO, JR.

MAR/
cc: Jonathan E. Neuman, Esq. (via email)